

EXTENDING THE MISSING PERSONS ACT, AS AMENDED

JUNE 13, 1956.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. BROOKS of Louisiana, from the Committee on Armed Services, submitted the following

R E P O R T

[To accompany H. R. 9500]

The Committee on Armed Services to whom was referred the bill (H. R. 9500) to amend further and make permanent the Missing Persons Act, as amended, having considered the same, report favorably thereon with amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

That section 15, Missing Persons Act (56 Stat. 147, 1093), as amended, is further amended by deleting "July 1, 1956" and inserting in lieu thereof "July 1, 1957".

Amend the title of the bill to read as follows: "To continue the effectiveness of the Missing Persons Act, as extended, until July 1, 1957."

PURPOSE OF THE BILL

The purpose of H. R. 9500 is to provide permanent authority for certain actions regarding persons in a missing status.

EXPLANATION OF THE PRESENT LAW

The Missing Persons Act was enacted in 1942 and remained in effect until 1947. It was revived by the Selective Service Act of 1948 and has been extended by various acts until July 1, 1956.

Broadly speaking, the Missing Persons Act provides that the heads of executive departments may continue to credit the pay accounts, and make, continue, or modify allotments to dependents of service personnel and civilians who are in a missing status.

By being able to credit a serviceman's pay account, the department may protect a variety of financial interests of the soldier, such as paying his commercial insurance premiums while he is in a missing status. With respect to allotments the departments, in a sense, assume guardianship for the dependents of the serviceman, by being permitted to alter the amount of the allotments paid the dependents of the missing soldier. In addition, if allotments are not in effect when the serviceman is placed in a missing category, the head of the department concerned is authorized to make allotments to care for dependents.

The Department of Defense believes that the Missing Persons Act should be revised and enacted as permanent legislation, and H. R. 9500 would accomplish this purpose. However, the committee believes that there is insufficient time remaining during this Congress to sufficiently study and consider such legislation, and consequently, has amended the bill so as to extend the law for another year.

This will assure continuation of the temporary authority beyond the July 1, 1956, expiration date and give the Congress a greater time to study the various changes that are included in the Department of Defense's proposed legislation.

COST AND BUDGET DATA

Since the number of persons on whose accounts payments are made under the act fluctuates, it is not possible to state, with any degree of accuracy, the cost of continuing this act in effect for another year. It can be said, however, that the cost for fiscal year 1957 should be relatively small, inasmuch as at the present time only four persons are being carried in a missing status.

DEPARTMENT RECOMMENDATIONS

The Department of Defense recommends enactment of H. R. 9500 which recommendation is concurred in by the Bureau of the Budget. The Department letter follows.

FEBRUARY 20, 1956.

Hon. SAM RAYBURN,

Speaker of the House of Representatives.

DEAR MR. SPEAKER: There is forwarded herewith a draft of legislation to amend further and make permanent the Missing Persons Act, as amended.

This proposal is a part of the Department of Defense legislative program for 1956 and the Bureau of the Budget has advised that there would be no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Army has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

This proposal would revise the Missing Persons Act (56 Stat. 143), as amended (50 U. S. C. App. 1001 et seq.), and would provide permanent authority for heads of military or other Government departments to continue payment of the pay and allowances of military and civilian personnel during periods of absence from their posts of duty

while in a missing status, to initiate and discontinue allowances of dependents of such personnel, and to make presumptive findings of death and other determinations under appropriate circumstances. Under current provisions of law the Missing Persons Act will expire July 1, 1956.

Authority for the continuance of pay and allowances to the dependents of persons who are in a missing status and for the head of the department concerned to make prompt settlement of such missing person's account was initially provided during World War II. The Congress early in 1942 recognized the need for such authority because the executive departments could not, under existing law, make appropriate and expeditious payment to dependents of persons in a missing status or settle the accounts of such missing personnel. As a result the Congress enacted the Missing Persons Act on March 7, 1942, which was a temporary measure. That act would have expired on July 25, 1948, by the operation of section 3 of the act of July 25, 1947 (61 Stat. 451). However, mounting tensions throughout the world and the increased number of incidents which had involved mysterious disappearance and detention of individuals, military and civilian, indicated that there was a continued need for legislation of this type. In addition, commitments of the United States Government required that both military and civilian personnel continue to serve within or in the near vicinity of troubled areas. Consequently, on June 24, 1948, the Congress extended the temporary missing persons legislation by section 4 (e) in the Selective Service Act of 1948 (62 Stat. 608) and since then that authority has been extended from time to time.

The demands of the international situation indicate that legislation of this type is necessary, not only to meet the current needs but to meet the needs for years in the foreseeable future. In the event of war, legislation of this type would be even more essential. Under these circumstances, it is believed that this type of legislation should be of a permanent nature and the attached proposal has been so drafted.

This proposal would amend section 1 (a) (3) of the existing law to provide coverage of civilian officers and employees of the departments except that a determination by the head of the department concerned that their status is the proximate result of employment is required in the case of—

- (1) Persons who enter missing status within the continental limits of the United States, and

- (2) Persons who enter missing status who are residents at or near their place of employment in the Territories and possessions or in foreign countries and who were not living there solely as a result of their employment.

Also, the proposal would amend section 2 of the Missing Persons Act to provide coverage for persons on training duty under certain conditions, in addition to persons on active service.

The proposal would further amend the Missing Persons Act (50 U. S. C. App. 1012) by addition of section 9 (a). This section would permit the head of a department to make a determination as to missing status, or death, with respect to dependents of an employee in the same manner as presently provided in determinations affecting the employee himself. This determination would be conclusive on other departments of the Government, but would not give a dependent any right

to pay, allowances or other compensation to which he would not otherwise be entitled.

Section 1 (d) would amend section 12 of the Missing Persons Act (50 U. S. C. App. 1012) to provide additional authority with regard to the transportation of dependents and household and personal effects of persons dead, injured, missing for 30 days or more, interned in a foreign country, or captured, to the official residence of the person, or to another location approved by the head of the department. In case of emergency, the head of the department is authorized to dispose of certain items, the proceeds from the sale to be transmitted to the owner, or persons of interest, if practicable, or to be covered into the Treasury as miscellaneous receipts if not ascertainable. The amendment would further authorize the head of the department to store household and personal effects.

Section 1 (e) provides that the act shall be effective from September 8, 1939, the date of the original enactment, excepting, however, sections 13, 16, and 17 (sec. 18 was repealed by the act of June 16, 1942 (56 Stat. 369)).

Section 2, by making effective the amendments contained in this proposed legislation as of the date of enactment of this legislation, would preclude any possible misinterpretation as to their retroactivity.

COST AND BUDGET DATA

In the event this proposal is enacted into law, it is estimated that little, if any, additional cost will result for fiscal year 1957. Any additional cost that will result will be absorbed within the amounts requested for operation of the Department of Defense during fiscal year 1957.

Sincerely yours,

(Signed) WILBER M. BRUCKER,
Secretary of the Army.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, there is herewith printed in parallel columns the text of the provisions of existing law which would be amended or repealed by this legislation:

EXISTING LAW

THE BILL

56 STAT. 147, 1093, AS AMENDED

<p>This Act, except sections 13, 16, 17, and 18, shall be effective from September 8, 1939, and shall remain in effect until July 1, 1956.</p>	<p>That section 15, Missing Persons Act (56 Stat. 147, 1093), as amended, is further amended by deleting "July 1, 1956" and inserting in lieu thereof "July 1, 1957".</p>
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